IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.2188 OF 2006
IN
WRIT PETITION NO.7098 OF 2005

Municipal Council of Ichalkaranji .... Petitioner
Vs.
Smt. Mangal Anil Gaikwad & Ors. .... Respondents

Shri T.S. Ingale for the Petitioner.

Shri Amit Sali for the Respondent No.1.

Shri C.R. Sonawane, AGP, for the Respondent Nos.2 to 4.

AND

CIVIL APPLICATION (STAMP) NO.20681 OF 2006
IN
WRIT PETITION NO.7098 OF 2005

The State of Maharashtra & Ors. .... Applicants
Vs.
Smt. Mangal Anil Gaikwad & Anr. .... Respondents

Shri C.R. Sonawane, AGP, for the Applicants.

Shri Amit Sali for the Respondent No.1.

Shri T.S. Ingale for the Respondent No.2.

CORAM: R.M.S. KHANDEPARKAR &
NARESH H. PATIL, JJ.

DATED: SEPTEMBER 01, 2006

P.C:

. Taken on board on request.

1. Since common questions of law and facts arise in both the applications, they were heard together and are being disposed of by this common order.

2. In both these applications, the applicants pray for recall of the order dated 29-8-2006 passed in Writ Petition No.7098 of 2005. Undisputedly, the writ petition has been finally disposed of by the said order. There is neither any technical fault nor any jurisdictional error, nor any mistake on the part of the Court in disposing the matter on 29-8-2006.

3. The only ground on which the order is sough to be recalled is that in the months of July and August, 2006 the Panchaganga River was flooded and major portion of Ichalkaranji was submerged and the entire staff of the Council was busy in relief work for the flood affected persons. The applications nowhere disclose the exact dates on which the flood situation was prevalent in the area and the staff of the Council was required to be busy in relief work. The applications nowhere disclose the date on which the notice of the petition was served upon the respondents. The applications nowhere disclose the reasons for non-communication or non-issuance of instructions immediately to the learned Advocates for the parties in the matter. Undoubtedly, the facts which are disclosed in the applications were known to the

parties much prior to 24-7-2006 and could have been very well communicated to their respective Advocates in time. There is no explanation in the applications on the point of failure in that regard by the concerned officers.

4. Apart from the fact that the writ petition has been finally disposed of by the order dated 29-8-2006, we do not find that any justifiable cause has been shown even to exercise the inherent powers to recall the said order and restore the petition to the board.

5. The applications having been made in a most cavalier manner, without disclosing justifiable cause, the same are liable to be dismissed.

6. For the reasons stated above, therefore, the applications are rejected.

(Naresh H. Patil, J.) (R.M.S. Khandeparkar, J.)

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